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19 *AbleView Enterprise Limited and*
AbleView Brands Limited

20 **UNITED STATES DISTRICT COURT**
21 **DISTRICT OF NEVADA**

22 ABLEVIEW ENTERPRISE LIMITED and
23 ABLEVIEW BRANDS LIMITED,

24 *Plaintiffs,*

25 v.

26 JONATHAN PETRILLO and COSMETIC
27 SKIN SOLUTIONS LLC,

28 *Defendants.*

Case No. 3:24-cv-00409-ART-CSD

**STIPULATION AND [PROPOSED]
ORDER TO AMEND COUNTERCLAIM**

(FIRST REQUEST)

1 Pursuant to Federal Rule of Civil Procedure 15(a)(2), Plaintiffs Ableview Enterprise
2 Limited and Ableview Brands Limited (together, “Plaintiffs”) and Defendants Jonathan Petrillo
3 and Cosmetic Skin Solutions, LLC (together, “Defendants”) agree and stipulate to extend the time
4 for Defendants to file an Amended Counterclaim, which would be due on October 25, 2024 unless
5 such time is extended by the Court, as follows:

6 1. The Complaint in this action was filed on September 12, 2024 (ECF No. 1) and
7 Defendants were served with the Summons and Complaint on September 13, 2024 (ECF Nos. 8,
8 16).

9 2. On October 4, 2024, Defendants filed and served Defendants’ Answer to
10 Complaint and Counterclaim (ECF No. 17). Defendants’ Counterclaim asserts five causes of
11 action based upon alleged breaches of two contracts. A party must serve its response to a
12 counterclaim within 21 days after being served with the counterclaim. Fed. R. Civ. P. 12(a)(1)(B).
13 Thus, the current deadline for Plaintiffs to file and serve their answer or other response to the
14 Counterclaim is Friday, October 25, 2024. Simultaneously, a party may amend its pleading once
15 as a matter of course within 21 days after serving it. Fed. R. Civ. P. 15(a)(1)(A). Friday, October
16 25, 2024, is therefore also the deadline for Defendants to amend their counterclaim as a matter of
17 course.

18 3. On October 24, 2024, the parties’ counsel conducted a meet-and-confer
19 videoconference as required by the Court’s October 7, 2024, Order Setting Video Case
20 Management Conference (ECF No. 20).

21 4. During the parties’ October 24, 2024, meet-and-confer, Plaintiffs’ counsel
22 disclosed Plaintiffs’ intention to file, on October 25, 2024, a motion to dismiss certain causes of
23 action alleged in the Counterclaim. After discussion, the parties’ counsel agreed that a motion to
24 dismiss may be avoided by allowing Defendants time to amend the Counterclaim and by allowing
25 Plaintiffs time to respond to the amended Counterclaim. The parties’ counsel further agreed that
26 the possibility of avoiding the filing of a motion to dismiss constitutes good cause for allowing
27 Defendants to file and serve an amended counterclaim and for allowing Plaintiffs time to respond
28 to Defendants’ amended counterclaim.

5. Accordingly, the parties agreed that: (a) Defendants will have 14 days from October 25, 2024, (*i.e.*, until November 8, 2024) to file and serve a first amended counterclaim; and (2) Plaintiffs will have 14 days from November 8, 2024 (*i.e.*, until November 22, 2024) to file and serve an answer or other response to Defendants' first amended counterclaim.

6. This is the parties' first request to extend the deadline for Defendant to amend its counterclaim and potentially avoid the necessity of a motion to dismiss under Rule 12 by Plaintiffs (whose motion to dismiss would otherwise be due at this same time). The parties make this stipulation in good faith, to promote the just, speedy, and inexpensive determination of this action, and not for purposes of undue delay.

IT IS SO AGREED AND STIPULATED:

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IT IS SO ORDERED:


UNITED STATES MAGISTRATE JUDGE

DATED: October 29, 2024

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